

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:  
Bednarik et al.

Docket No.: PF138P1C1

Application No.: 09/902,705

Group Art Unit: 1652

Filed: July 12, 2001

Examiner: Ramirez, D.

For: Human Hypoxanthine-(Guanine) Phosphoribosyl  
Transferase-2

**STATEMENT CONCERNING THE DEPOSITED CDNA CLONE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As recognized by the Examiner, the specification describes at page 4, paragraph 22 that the cDNA contained in ATCC Deposit No. 75844 was deposited at the ATCC on July 27, 1994. Under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, Applicants submit herewith the requested declaration regarding availability of the deposit made in connection with the present application under the Budapest Treaty.

**As attorney of record for the above-identified Applicants in the above-identified patent application, I hereby declare and state that:**

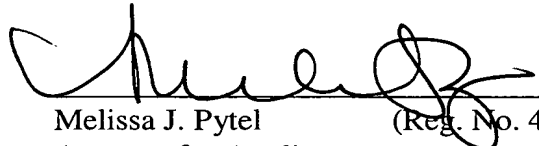
Human Genome Sciences, Inc., the assignee of the present application, has deposited biological material under the terms of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure with the following International Depository Authority: American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209. The deposit was made on July 27,



1994, and given ATCC Accession Number 75844. In accordance with M.P.E.P. § 2410.01 and 37 C.F.R. § 1.808, assurance is hereby given that all restrictions on the availability to the public of ATCC Accession Number 75844 will be irrevocably removed upon the grant of a patent based on the instant application, except as permitted under 37 C.F.R. § 1.808(b). A partially redacted copy of the ATCC Deposit Receipt for Accession Number 75844 is enclosed herewith as Exhibit A.

Respectfully submitted,

Date: Mar. 22, 2004

  
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Attorney for Applicants